

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES DANIEL, JR.,)	
)	
Plaintiff,)	Case No. C08-1451-RSM
)	
v.)	
)	ORDER OF PARTIAL
SGT. MAXSSON, et.al.,)	SUMMARY JUDGMENT
)	
Defendants.)	
)	

The Court, having reviewed plaintiff's Complaint in this 42 U.S.C. § 1983 civil rights action, together with all material in support of those documents, defendants' Motion For Summary Judgment, the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, the governing law, and the balance of the record, does hereby **ORDER**:

- 1) The Court adopts the Report and Recommendation as amended in section 3);
- 2) Defendants' Motion for Summary Judgment (Dkt. 68) is **GRANTED** as to plaintiff's claims against defendants Sergeant Smolich, Vicqui Heuett, and the State of Washington;

- 1 3) As to Sergeant Nicholas, Plaintiff has shown good cause for his failure to timely serve
2 him, in that this defendant is no longer an employee of the Department of Corrections
3 and Plaintiff is unable to provide his address. Dkt. # 6. Defendants shall file, within
4 two weeks of this date, a statement as to why they should not be directed to forward a
5 Request for Waiver of Service to this former employee at his current address;
- 6 4) Defendants' Motion for Summary Judgment is **DENIED** as to all remaining
7 defendants; and
- 8 5) The Clerk of Court is directed to send copies of this Order to the parties and to
9 Magistrate Judge Brian A. Tsuchida.

10 DATED this 12 day of July 2010.

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14 RICARDO S. MARTINEZ
15 UNITED STATES DISTRICT JUDGE
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